

**Region III issues Notices of Non-compliance/Information Request Letters (NON/IRL) to Pennsylvania facilities holding PADEP Beneficial Use permits to use PCB-contaminated materials for use as construction material and fill.**

PADEP's Beneficial Use General Permit and Clean Fill Policy allow the use of PCB-containing materials that exceed the TSCA PCB Use Authorization level of 2 ppm resulting in violations by PCB generators and PADEP permittees. Currently, the Beneficial Use permit allows materials containing up to 484 ppm of PCBs to be used as construction material and the Clean Fill Policy allows materials containing up to 78 ppm of PCBs to be used in an unrestricted and unregulated manner.

The LCD Toxics Programs Enforcement Branch issued four NON/IRLs and one IRL to five facilities in Pennsylvania that currently hold PADEP Beneficial Use and Clean Fill permits. The responses will help determine the volumes of PCB-containing materials used at each facility, the concentration range of the PCBs in those materials, and institutional controls that may or will be implemented.

EPA has been coordinating with PADEP to explore options to revise the Beneficial Use Permit and the Clean Fill Policy to only allow use of materials containing less than 2 ppm of PCBs.

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